

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHEASTERN DIVISION

Anthony Craig Garner, )  
 )  
Petitioner, ) Case No. 3:13-cv-100  
 )  
-vs- ) **ORDER ADOPTING REPORT AND  
RECOMMENDATION**  
 )  
Paul Laney, Sheriff, )  
 )  
Respondent. )

The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Plaintiff's complaint be dismissed without prejudice. Plaintiff has not filed an objection within the prescribed period of time.

The Court has reviewed the Report and Recommendation along with the entire file, and finds the Magistrate Judge's recommendations are appropriate. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Plaintiff's complaint is **DISMISSED** without prejudice. Further, the Court certifies that dismissal of the petition is not debatable, reasonably subject to a different outcome on appeal, or otherwise deserving of further proceedings, and any appeal would be frivolous, could not be taken in good faith, and may not be taken *in forma pauperis*.

**IT IS SO ORDERED.**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated this 12th day of February, 2014.

/s/ Ralph R. Erickson  
Ralph R. Erickson, Chief Judge  
United States District Court